

FISCAL NOTE

SB 338 - HB 1037

March 31, 2003

SUMMARY OF BILL:

1. Requires the Department of Environment and Conservation to allow the use of a single-home on-site aerobic sewage treatment plant without a conventional field line system, in any area that is deemed geologically undesirable for a single-home residential septic tank and conventional drain field system, provided that the treatment plant meets or exceeds the requirements of ANSI/NSF Standard 40, and the homeowner possesses a valid biennial permit issued by the department.
2. Requires:
 - a fee based permitting program for homeowners using an on-site aerobic sewage treatment plant.
 - registration program for licenses contractors.
 - registration program for technicians.
3. Requires that a permit application must:
 - be submitted to the Department at least 90 days before initial use of the system or 45 days prior to the current permit's expiration.
 - be accompanied by a NON-REFUNDABLE PERMIT FEE in an amount to be determined by the department.
 - include documentation from a licensed contractor, trained and certified by the manufacturer and registered with the department, indicating that the treatment plant has been installed in compliance with the manufacturer's specifications and departmental rules.
 - include a copy of a signed service contract with a technician, trained and certified by the manufacturer and registered with the department.
4. Requires that the service contract specify that the technician immediately notify the department whenever the technician has reasonable grounds to believe the homeowner has not maintained recommended chemical levels within the treatment plant; failed to report to the technician a malfunction of the treatment plant; transferred ownership of the home or cancelled or terminated the contract.
5. Authorizes the department to implement a civil penalty not exceeding \$1,000, permit suspension, or permit revocation for any homeowner whose on-site aerobic sewage treatment plant is being operated contrary to manufacturer's specifications or departmental rules or in any other manner jeopardizing the public health or water quality.
6. Authorizes the department to impose a civil penalty not exceeding \$1,000 or suspend or revoke departmental registration of any contractor or technician whose negligent actions, omissions, or practices jeopardize the public health or water quality.
7. Establishes a Class A misdemeanor for anyone who submits false information to the Department of Environment and Conservation and the Water Quality Control Board to obtain a permit for an on-site aerobic sewage treatment plant.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$130,350 FY 03-04Recurring
\$160,000 FY 04-05 and subsequent years**

Increase State Revenues - Exceeds \$50,000

Increase Local Govt. Revenues - Not Significant

Increase Local Govt. Expenditures - Not Significant

Estimate assumes:

- the Department of Environment and Conservation would need 2 positions and related expenses to implement the permitting requirements of the bill and to monitor existing permits in the first year and one additional positional in the second year. According to the department, if the final disposal is done without a field line, application for a permit must be made to the Water Quality Control Board in addition to the permit required for the unit itself.
- most requests for permits will be for such above ground units.
- an increase in state revenues from applicants paying application and system fees.
- local government expenditures and revenues would depend on the number of persons convicted of this offense and the resulting cost to confine such persons versus the increased revenues fines levied and collected under the provisions of this bill.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director